

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 8th day of May 2003, at 8:00 P.M., and there were

PRESENT: ANTHONY ESPOSITO, MEMBER
 JOSEPH GIGLIA, MEMBER
 WILLIAM MARYNIEWSKI, MEMBER
 RICHARD QUINN, MEMBER
 ARLIE SCHWAN, MEMBER
 ROBERT THILL, MEMBER
 JEFFREY LEHRBACH, CHAIRMAN

ABSENT: NONE

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK
 RICHARD SHERWOOD, TOWN ATTORNEY
 JEFFREY SIMME, BUILDING INSPECTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF CRAIG STRIEWING:

THE 1st CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Craig Striewing, 54 William Kidder Road, Lancaster, New York 14086 for two [2] variances for the purpose of constructing a 2,880 square foot detached garage on premises owned by the petitioner at 54 William Kidder Road, Lancaster New York, to wit:

1. A variance from the requirements of Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster. The area of the proposed accessory structure is 2,880 square feet.

Chapter 50, Zoning, Section 9D.(4) of the Code of the Town of Lancaster limits the area of an accessory structure to 750 square feet. The petitioner, therefore, requests a 2,130 square foot accessory use area variance.

2. A variance from the requirements of Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster. The height of the proposed garage is twenty [20] feet.

Chapter 50, Zoning, Section 9D.(2) of the Code of the Town of Lancaster limits the maximum height of accessory structures to sixteen [16] feet. The petitioner, therefore, requests a four [4] foot height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Peter Sorgi, Attorney for petitioner
Renaldo & Myers, P.C.
350 Essjay Road, Suite 200
Williamsville, New York 14221

Proponent

Craig Striewing, petitioner
54 William Kidder Road
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF CRAIG STRIEWING

THE FOLLOWING MOTION WAS MADE BY
MR. THILL AND SECONDED BY MR. ESPOSITO:

To render the findings and determination for both variances in one action.

MR. ESPOSITO	VOTED YES
MR. GIGLIA	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

Motion Carried

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Craig Striewing and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of May 2003, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicant is the present owner of the premises in question.

That the property for which the applicant is petitioning is within a Agricultural Residential District, (AR) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Agricultural Residential District, (AR) as specified in Chapter 50 of the Code of the Town of Lancaster.

That the principal structure on the premises has an area of 1,331 square feet.

That the existing accessory structures have a total area of 2,185 square feet.

That the proposed barn has an area of 2,880 square feet.

That the resulting total area of accessory structures will be 5,065 square feet, which will result in approximately 3,734 square feet in excess of the square footage of the principal dwelling.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial.

That the requested height variance is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- That no commercial enterprise, other than agricultural, be conducted on the premises.
- That **all** debris is removed from the premises to the satisfaction of the Building Inspector.
- That storage will be limited to vehicles and other power equipment (tools are acceptable) to the satisfaction of the Building Inspector.
- That the structure will be fully constructed within one year from the date of issuance of the building permit. That said building permit will be obtained within approximately one week of this hearing.
- That the nine (9) foot fence which was originally erected circa 1990 will be completely removed.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ESPOSITO	VOTED YES
MR. GIGLIA	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED NO
MR. LEHRBACH	VOTED YES

The resolution granting the variances was thereupon **ADOPTED**.

May 8, 2003.

PETITION OF PETER & DEANNA RYBINSKI:

THE 2nd CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Peter and Deanna Rybinski, 426 Lake Avenue, Lancaster, New York 14086 for one [1] variance for the purpose of constructing an addition to a private residence located at 426 Lake Avenue, Lancaster, New York, on property which is owned by Carol F. Maciuba, 19 Barton Road, Lancaster, New York 14086 to wit:

A variance from the requirements of Chapter 50, Zoning, Section 17A.(2) of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on Lake Avenue with an exterior side yard [considered a front yard equivalent] fronting on William Street. The petitioners propose to construct an addition to the dwelling. The location of the proposed addition will result in a 26.5 foot north exterior side yard set back on William Street.

Chapter 50, Zoning, Section 17A.(2) and (3) of the Code of the Town of Lancaster requires a 35 foot north exterior side yard set back on William Street. The petitioners, therefore, request an 8.5 foot north exterior side yard set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Peter Rybinski, petitioner	426 Lake Avenue	Proponent
Barbara De Maiores	415 Lake Avenue	Questions

IN THE MATTER OF THE PETITION OF PETER & DEANNA RYBINSKI

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. THILL, WHO MOVED ITS
ADOPTION, SECONDED BY MR. LEHRBACH
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Peter & Deanna Rybinski and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of May 2003, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicants are the duly authorized representatives of the property owner .

That the property for which the applicants are petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 1, (R1) as specified in Chapter 50 of the Code of the Town of Lancaster.

That the Erie County Division of Planning commented on the proposed zoning action as follows:

"No recommendation; proposed action has been reviewed and determined to be of local concern."

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ESPOSITO	VOTED YES
MR. GIGLIA	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

May 8, 2003

PETITION OF HOMER C. WILDE, JR.:

THE 3rd CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Homer Wilde, Jr., 756 Hall Road, Lancaster, New York 14086 for one [1] variance for the purpose of constructing a detached garage on premises owned by the petitioner at 756 Hall Road, Lancaster, New York; to wit:

A variance from the requirements of Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster. The proposed location of the garage will result in a five [5] foot east side yard lot line set back.

Chapter 50, Zoning, Section 9D.(1)(b) of the Code of the Town of Lancaster requires a fifteen [15] foot lot line set back. The petitioner, therefore, requests a ten [10] foot east lot line set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Homer Wilde, Jr., petitioner
Bill and Antoinette Bosse,
(owners of 754 Hall Road)

756 Hall Road
187 Belmont Avenue

proponent
opponents

IN THE MATTER OF THE PETITION OF HOMER C. WILDE, JR.

A MOTION MADE BY MR. ESPOSITO AND
SECONDED BY MR. LEHRBACH TO
CONDITION THE PENDING VARIANCE AS
FOLLOWS:

- That the east side yard set back will be at least ten (10) feet.
- That no commercial enterprise, other than those permitted by Code of the Town of Lancaster, be conducted on the premises.
- That the area of the structure be limited to 576 square feet.

The foregoing motion was duly put to a vote on roll call which resulted as follows:

MR. ESPOSITO	VOTED YES
MR. GIGLIA	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED NO
MR. SCHWAN	VOTED NO
MR. THILL	VOTED NO
MR. LEHRBACH	VOTED YES

Motion carried to add these conditions.

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. ESPOSITO, WHO MOVED ITS
ADOPTION, SECONDED BY MR. LEHRBACH
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Homer C. Wilde and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 8th day of May 2003, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicant is the present owner of the premises in question.

That the property for which the applicant is petitioning is within an Agricultural Residential District, (AR) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Agricultural Residential District, (AR) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

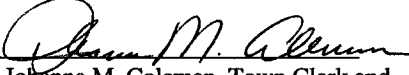
The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ESPOSITO	VOTED YES
MR. GIGLIA	VOTED YES
MR. MARYNIEWSKI	VOTED YES
MR. QUINN	VOTED NO
MR. SCHWAN	VOTED NO
MR. THILL	VOTED NO
MR. LEHRBACH	VOTED NO

The resolution granting the variance was thereupon **DENIED.**

May 8, 2003

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was
adjourned at 10:17 P.M.

Signed 
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: May 8, 2003